

hometown, and I ask you to join me to with the chief and his officers congratulations on their Centennial year.

STEM CELL THERAPEUTIC AND
RESEARCH ACT OF 2005

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. AKIN. Mr. Speaker, I rise today to strongly support the passage of the Stem Cell Therapeutic and Research Act of 2005. This bill will encourage and support the most promising avenue of stem cell research available to us today, and will do so without ending a human life, as is required in embryonic stem cell research. Cord blood is one the most exciting areas of medical research today and successful treatments have been developed for a wide range of diseases, from sickle cell anemia to leukemia.

The promise of medical research using the stem cells found in umbilical cords is truly amazing. Stem cells from cord blood have already resulted in treatments for at least 67 different human afflictions and future research looks immensely promising. Just one example of this is the successful treatment of numerous children afflicted by Krabbe's Disease. Dozens of children across the country have been saved from an early death by cord blood transplants. This legislation will make cord blood more readily available to save lives and treat numerous conditions.

This summer I had the opportunity to visit a leading center of cord blood-based stem cell research. The St. Louis Cord Blood Bank at Cardinal Glennon Children's Hospital is one of the leaders in this field and is the second largest cord blood bank in the world. It was exciting to see the research being done and hear stories about the lives that have been radically altered by successful cord blood treatments. I believe that the work being done by the St. Louis Cord Blood Bank is just a taste of what can be accomplished in the future.

While embryonic stem cell research may draw more media attention and certainly produces many improbably optimistic promises for the future, cord blood stem cells are already producing treatments. Embryonic stem cell research requires the death of an innocent embryo, but cord blood stem cells are a gift from God that we would be irresponsible to waste. Cord blood stem cell research has already resulted in numerous successful medical treatments, and I believe that this research has a bright future. The support and coordination of cord blood banking and research efforts across the country will benefit our citizens in numerous ways in the years ahead. I urge my colleagues to support the Stem Cell Therapeutic and Research Act of 2005.

MANAGEMENT OF THE MISSOURI
RIVER AND THE CROP INSURANCE PROGRAM

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. HULSHOF. Mr. Speaker, as my colleagues know, Federal actions that negatively impact private property inflame the passions of farmers. This is certainly the case for the farmers in my district who make their living along the Missouri River, particularly as it relates to the efforts of some to create an artificial spring rise on the Missouri River.

On one side, bureaucrats and fringe special interests—absent sound science or empirical data—want to periodically flood the lower Missouri River basin in the hopes of helping the endangered pallid sturgeon spawn. On the other side, concerned farmers, river stakeholders, Missouri's congressional delegation, Governor Matt Blunt—just to name a few—understand that increasing river flows above the normal river levels during a volatile time of year—one in which farmers are most vulnerable—will cause flooding of adjacent farmland, infrastructure and even entire communities.

Those of us on this side of the debate know that only sound science should be used as a basis for our river policy, and actions meant to help wildlife—especially actions that lack scientific merit—should not take precedence over the needs of the people who live and work along the river.

Despite this, the Army Corps of Engineers was compelled to include two artificial spring rises in their 2006 operating plan for the Missouri River. While the broad coalition that opposes this misguided spring rise fully intends to continue fighting implementation of these unproven and scientifically questionable spring rises, I want to make the House aware of an issue that we will need to address, should the Corps move forward with spring rises in 2006.

For years now, those of us opposed to a spring rise made the commonsense assumption that the U.S. Department of Agriculture's Risk Management Agency would serve as a safety net for those adversely affected by the spring rise, providing crop insurance coverage to those harmed by government-induced flooding, such as a spring rise on the Missouri River.

Apparently, it is the opinion of some that this is not the case. Just this week, the Risk Management Agency administrator stated in a letter dated December 15, 2005, that the Risk Management Agency "is prohibited by law from covering crop losses due to a government sanction release of water by the Corps because it does not qualify as a naturally occurring event."

To me, and to those I represent who live along the river, this policy defies logic. Common sense and basic fairness dictate that crop insurance should cover flood damages caused by a spring rise. From the perspective of a farmer, it adds insult to injury for the Federal Government to cause a flood and then refuse to cover crop insurance damages associated with the Government's actions.

I'm not asking for a handout, nor are my constituents. What I am seeking is a flood insurance policy relating to a spring rise that is consistent with the Risk Management Agen-

cy's stated mission, to "promote, support, and regulate sound risk management solutions to preserve and strengthen the economic stability of America's agricultural producers" and to "provide crop insurance to American producers."

Over the coming weeks and months, I will be working with some of my colleagues, like my friends Representative SKELTON and Senator TALENT to find the best, most efficient solution to this obvious problem. In this effort, I look forward to working with the administration and the committees of jurisdiction in Congress to remedy this situation. Likewise, I fully intend to continue working with like-minded stakeholders and elected officials to stop the flawed spring rise that will cause unnecessary flooding and damage for those along the Missouri River.

H.R. 4581, THE EASEMENT OWNERS'
FAIR COMPENSATION CLAIMS
ACT OF 2005

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. AKIN. Mr. Speaker, in his first State of the Union address, President Abraham Lincoln said, "It is as much the duty of government to render prompt justice against itself in favor of citizens as it is to administer the same between private individuals." President Lincoln said this in reference to the United States Court of Claims which he proposed Congress to establish for the purpose of justly resolving the claims of citizens against the United States. One of the most fundamental rights we enjoy in this nation is the right to know that our property is free from confiscation absent the protections of the Fifth Amendment. When the government does confiscate a citizen's property, the United States Constitution requires the government to provide the citizens from whom the property is confiscated full and fair compensation for the property that has been taken.

A matter has come to my attention in which the United States government falls tragically short of meeting this obligation. I refer to those individual property owners in St. Louis County whose property has been confiscated by the Federal Government for use as a public recreational trail under the Federal Trails Act. These citizens' property was taken more than 12 years ago when it was converted to a recreational trail under the Federal Trails Act, and they have still not received compensation. This is so despite the fact that the Justice Department has admitted in a settlement agreement and in numerous court pleadings that the Federal Government has confiscated their property and that the Fifth Amendment to the U.S. Constitution requires that the Federal Government pay these property owners the fair value of the property taken. The Justice Department and the property owners each hired appraisers who determined the fair value of the property and after 6 years of litigation in the Federal Court of Claims a settlement agreement was reached.

Yet, two days before this agreement was to be approved by the judge, the Federal Circuit Court of Appeals issued a decision in a Georgia case called *Caldwell v. United States*. The

Justice Department and the U.S. Court of Claims have interpreted that case as announcing a new rule for the time when a property owner must file a claim to recover the value of his property taken by operation of the Trails Act. This "new rule" is inconsistent with the understanding of Congress when we enacted the Trails Act and, as announced by the dissenting opinion in the Caldwell case, is "contrary to all authority". The Federal Circuit decision ruled that the statute of limitations for Trails Act compensation claims begins to run, not when the property owners land is actually taken from the landowner, but when the Surface Transportation Board issues a notice that there is a possibility that the land might be taken in the future.

Mr. Speaker, this "new rule" announced by the Caldwell court, as it has been interpreted and applied by the Justice Department and the lower courts, will work a great injustice to a limited number of property owners whose property has been confiscated but will now be denied compensation, while at the same time requiring the Federal Government to pay compensation for property that might never be converted to a public recreational trail. The new Caldwell rule will cost the Federal Government plenty—requiring taxpayers to pay significantly greater interest for compensation claims during the time before the property was ever taken from the land owners.

Mr. Speaker, this injustice is best illustrated by the letter I received from Gale and Sara Illig. Mr. and Mrs. Illig live in my home county of St. Louis, Missouri and their property was taken for a recreational trail. I incorporate Mr. and Mrs. Illig's letter in these remarks.

DEAR CONGRESSMAN AKIN: We have a small business. Gale is in commercial holiday decorating and Sarah helps in the business. After a number of years of saving, in 1984 we bought our home in Grantwood Village. By most standards it is a modest home but it is a home that we love and have worked hard to care for and improve over the years. This home is where we have raised our family and now spend our retirement years. We are not a family of great wealth and our home represents our most significant asset.

When we bought our home in 1984, one of the features that appealed to us was the quiet and secluded community and location. A screened-in sun porch on the south side of our home is one of our favorite rooms. Outside the sun porch and further to the south is the now abandoned Missouri Pacific Railroad right-of-way. We own the property over which the MoPac held an easement for this branch-line of their railroad. The tracks themselves were just a single line and they were infrequently used. Between the tracks and our home was a large, attractive hedge which gave us privacy.

In 1992 a not-for-profit nature trail group negotiated with MoPac to acquire this now abandoned railroad right-of-way. We have been told that the federal government gave the trail group the authority to acquire this abandoned railroad right-of-way and to prevent us from using our property. We understand that the federal Trails Act gave them this ability to take our property even though under Missouri law we had the right to use and occupy this property once it was abandoned by MoPac. We wrote to Senator Bond in 1992 expressing concern about the effect this trail would have upon our home and property value. While the railroad had a full 100 foot width easement, they only used a very narrow 12 feet that was occupied by the train tracks and, as noted, that was used infrequently. Because of the Trails Act, the

trail organization now claims the right to use the full 100 foot width of the original railroad easement, including the right to cut and remove all of the foliage on this part of our property. Additionally, with the trail use we now have, quite literally, hundreds of people biking and walking through our property where previously we enjoyed a quiet and secluded home.

Now, we want to make clear that we do not oppose recreational hiking and biking trails and we think parks and recreational trails are a fine thing. It is just that when, as in our situation, the federal government runs the trail through our property without our consent we believe that we should be fairly compensated for this taking of our property. This public trail runs just several feet from our sunroom and across almost the entire southern third of our property.

We have always understood that the U.S. Constitution provided us the guarantee that if our property were to be taken we would be compensated. I mentioned that we are a family of modest means and this is true. This causes us to feel even more painfully the effect that this taking of our property has had upon our own home value.

The government took our property almost 13 years ago. We spent more than 6 years in a lawsuit with the government seeking to be compensated for the government's taking of this property. In that lawsuit, the Justice Department agreed that this taking of our property represented a value of \$72,065 taken from us by the federal government. The Justice Department also agreed that they would pay us this money and that they were responsible to make this payment under the Fifth Amendment of the U.S. Constitution. The Justice Department also agreed to pay us interest on this because it has now been 13 years since our property was taken. The Justice Department's agreement that they would pay us was long overdue but was very welcome.

As we get older we face the realistic understanding that we will not be able to live in our home forever. During the twelve years since the trail was created, Gale has suffered both cancer and a multiple heart valve replacement. The value that we have built up in our home is an asset that we look to provide for our needs when we reach a point where we can no longer care for this home and need to move into other living arrangements. For this reason the \$72,065 plus interest since 1992, while not much money to the federal government, is quite literally huge to us. This is why we were so pleased when the settlement was reached last December.

* * * what happened next, * * * is still one of the most outrageous experiences in our life and represents a great injustice to us personally. Two days before the hearing with the Judge to approve the settlement, we understand that the Court of Appeals decided a Georgia Trails Act case. The government claimed this case changed the law and meant that now they now no longer had to pay us what they had agreed they were obligated to pay us for the confiscation of our property.

We are not lawyers so maybe that is why we cannot understand the nuances of this, but, to us, a very simple principle is involved. The government has taken our property, the government agreed that they have taken our property (I am told by [our attorney] that the government agreed to this not just once, but on multiple occasions in formal statements filed with the Court), the government agrees how much they owe us for the property, including interest, and the government is required by the U.S. Constitution to pay us this money. Then, at literally the last minute, they claim the law has changed because of a case in Georgia so they no longer have to pay us. This is just flat

wrong! And, no amount of legal nuance can make it right.

Congressman Akin, a lot of us in St. Louis experienced the same sense of outrage during the October 16th Cardinals game against the Astros when the home plate umpire, Cuzzi, called what was clearly a ball to be a strike on Jim Edmonds and then threw Jim Edmonds out of the game. That bad call did not necessarily change the outcome of the game. But the tragic effect of this bad call by the Court in the Georgia case and the bad call by the Department of Justice to use that case as an excuse for the government to escape its obligation to pay us for our property represents a devastating financial setback for our family.

We have always worked hard, saved our money, and paid our taxes and expected that the federal government would treat us in a fair and just manner. We must tell you that we see this effort by the government to now escape their clear constitutional obligation to pay us (and the other one hundred property owners from whom they admit taking property) as a very fundamental injustice. For that reason, we are extremely grateful to have you represent us in the Congress and greatly appreciate your efforts to address this injustice. We are grateful for your help on this matter of such great importance to us.

Warmest regards,

SARAH and GALE ILLIG.

Mr. Speaker, this letter demonstrates my initial point that the Federal Government has dramatically fallen short of President Lincoln's standard of "providing prompt justice against itself in favor of citizens". Mr. Speaker, H.R. 4581 remedies this injustice and also returns administration of the Trails Act to a manner consistent with Congress' intention when initially passed.

THE PURPOSE OF H.R. 4581, THE EASEMENT OWNERS' FAIR COMPENSATION CLAIMS ACT OF 2005

The Easement Owners' Fair Compensation Claims Act of 2005 will remedy the injustice worked by the Federal Circuit Decision in Caldwell v. United States. It will establish clearly Congress's intent regarding when the Trails Act is intended to interfere with a property owner's interest and it will provide that those property owners in the limited number of cases affected by this Caldwell decision are, in fact, provided full, fair compensation for the property that the Federal Government took from them while, at the same time, assuring that the Federal Government does not use taxpayers' funds to pay for claims where it did not take any property and where ultimately, no recreational trail is ever created. In so doing, we will bring justice on behalf of those owners whose property is taken and we will also preserve and steward the taxpayers' resources by not paying for claims where no recreational trail for public use is ever created. This bill will provide the constitutionally mandated compensation to those property owners whose lands have been confiscated (as the Justice Department has already admitted) while on a broader level saving the Government from having to pay money for property that is never taken for a public recreational trail and prevent the Federal Government from having to pay interest for a "taking" of property years before the property owner's State law right to use and possess the property is ever interfered with.

In short, H.R. 4581 restores the date for starting the statute of limitations to the date

when the property owners' rights to the property are actually taken by the Federal Government. This is consistent with Congress's intention when the Trails Act amendments were passed in 1983 and will assure compensation to those property owners whose property the Government already acknowledged taking but not require the Government to pay compensation or interest for property never converted to trail use. H.R. 4581 will not undercut the operation of the Trails Act but will actually make it more cost efficient and will fairly treat those property owners whose property is actually taken for a trail.

HONORING THE WORK OF RAY
BECK

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. HULSHOF. Mr. Speaker, I rise today in recognition of Ray Beck, the presiding city manager of Columbia, MO, as he is retiring this January after 45 years of service to the city of Columbia. Ray has held numerous positions during his tenure with the city of Columbia, the most notable of which is his current post of city manager, which he has held since 1985.

The second youngest of six children, Ray Beck was born in St. Elizabeth, MO, on November 9, 1932. After graduating from St. Elizabeth High School, Ray went on to earn both a bachelor's and a master's degree in engineering from the University of Missouri-Columbia. Ray then dutifully served his country as

an officer in the US. Army. He is also a graduate of the US. Army Field Artillery School as well as the US. Army Command and General Staff College.

Ray always knew that his life would be best spent working as a public servant. As my colleagues here in this Chamber can attest, public service can be an extremely rewarding experience. This calling is the reason why I ran for Congress and am fortunate enough to represent the good people of the Ninth District of Missouri. I am saddened to see Ray leave this position with the city of Columbia, as he has not only been an invaluable resource to the city and myself, he has also become a good friend. His counsel and words of wisdom have certainly aided me as we worked collaboratively for the benefit of Columbia.

Columbia looks a lot different today than in 1960 when Ray first started working for the city. Over this time span, Columbia's population has more than doubled to its current size of roughly 91,000 residents. The cityscape continues to evolve as more and more families and businesses flock to the area. With its strong business climate, close-knit community, excellent public schools and ready access to world-class higher education, Columbia has consistently been ranked as one of the most desirable places to live. Ray can look back with pride at this progress.

Through his official capacities as city manager, Ray has helped Columbia develop into the vibrant city it is today. During his tenure, Columbia established a city-operated waste removal program, expanded the local parks and recreation services, and implemented a municipally operated transit system as well as many other public works projects.

Whether it was working to improve the city's sewer systems, roadways or public utilities, these infrastructure improvements have made Columbia a better place to live and work. Ray accomplished all of this and much more while working with 14 different mayors.

Aside from his official duties, Ray has always been actively involved in the community. Through his involvement with the National Recreation and Parks Association, the University of Missouri-Columbia Dean's Engineering Advisory Council, or the Missouri Highways Engineers Association, Ray was always seeking additional resources or contacts that could assist him in his various endeavors for the city. His drive, however, was not only limited to work related activities. Ray should be commended for his good work and involvement with the MU Alumni Association, the United Way and the U.S. Army Retired Officers' Association, just to name a few.

When Ray retires this January, I suspect he may shed a few tears—some of joy and some of sadness. But when he looks back upon his career, I hope he realizes how much his work has improved the lives of those who make Columbia their home. And for that, I am eternally grateful.

I know his new priorities will no longer focus either on housing or sewer systems, but spending time with his wife, Dee, his 4 children, his 13 grandchildren and his many friends. I only hope that on the day of my retirement I can look back upon a career as accomplished as his.

Ray, I sincerely thank you for your dedication and service to Columbia and the State of Missouri. Congratulations on a well-deserved retirement.